

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION**

David Richard Walker, Jr.,	)	
	)	Civil Action No.: 8:19-cv-02484-JMC
Plaintiff,	)	
	)	<b>ORDER</b>
v.	)	
	)	
Amy Jolly, Annie Rumler, Chretha Kelley,	)	
Director Stirling, All Unknown Law	)	
Librarians at Level III of SCDC,	)	
	)	
Defendants.	)	
_____	)	

David Richard Walker, Jr. (“Plaintiff”) filed a civil rights action alleging that Defendants denied him access to legal materials and supply items and have denied him access to courts, government offices, and government officials in violation of the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution. This matter is before the court upon review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 28), filed on December 17, 2019, recommending that Plaintiff’s Complaint (ECF No. 1) be dismissed without leave to amend and without issuance and service of process. The Report also recommends the dismissal be deemed a strike, thereby limiting Plaintiff’s ability to file a lawsuit without the prepayment of the filing fee. *See* 28 U.S.C. § 1915(g). Finally, the Report recommends Plaintiff’s Motion for Preliminary Injunction (ECF No. 3) be denied.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which

specific objections are made. *Diamond v. Colonial Life and Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The parties were advised of their right to file objections to the Report. (ECF No. 28.) Neither party filed objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 28), and **DISMISSES** Plaintiff's Complaint (ECF No. 1). The dismissal is deemed a **STRIKE**, thereby limiting Plaintiff's ability to file a lawsuit without the prepayment of the filing fee. *See* 28 U.S.C. § 1915(g). Finally, the Plaintiff's Motion for Preliminary Injunction (ECF No. 3) is **DENIED**.

**IT IS SO ORDERED.**

  
United States District Judge

January 13, 2020  
Columbia, South Carolina